



SOUTHWEST MARINE, INC.

SAN DIEGO DIVISION

*"Specialists in the Repair,
Modernization and Maintenance
of Seagoing Vessels"*

Foot of Sampson St., P.O. Box 13308, San Diego, CA 92113-0308
(619) 238-1000 / Telex: 910-335-1167 (SWM SDG)
Corporate Offices: San Diego

November 7, 1985
Serial #1-5903

Ms. Paula Rasmussen
Facility Permitting Unit
Department of Health Services
Room 7011
107 South Broadway
Los Angeles, CA 90012

Subject: Request for Variance for Notice of Violation

Dear Ms. Rasmussen:

On November 4, 1985, we received a Notice of Violation for storage of asbestos over 90 days. This notice is in error in that removal from USS PLUCK did not occur until approximately April 22, 1985.

The other items listed are substantially correct. However, the situation was brought to light by the positive actions of this company in advising the various regulatory agencies that the problem existed. We immediately initiated numerous telephone calls and liaisons with the State of California Enforcement Officers. These occurred prior to our various requests for assistance which are enclosed herein.

The case was finally assigned to the San Diego City Department of Health on 30 July 1985. Since then we have provided a large amount of investigative back up material and cooperated fully with the Department of Health. Obviously we are disturbed over the citations and will take every possible action to mitigate it.

Since we removed the asbestos from the PLUCK at the direction of the Navy, we have stated that the customer is the generator. The State agrees, the Navy does not. Our argument applies to any materials removed as a result of contractual direction. We have no forehand knowledge of the potential existence of such material. The correspondence between your office and Southwest Marine has shown that the State of California concurs that the Navy is the generator of hazardous materials, in that the Navy was served a Notice of Violation for failure to manifest the asbestos waste as the legal generator under California Administrative Code, Title 22, Division 4, Chapter 30, Article 6.

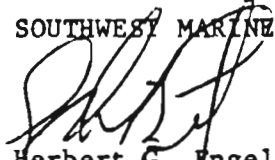
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In the spirit of fullest cooperation, we request a variance to the Notice of Violation to allow us to retain the material in question until the agreements with the Navy are finalized and they are required to sign as the Hazardous Waste Generator. A copy of the Notice of Violation is also enclosed for reference.

We are storing the asbestos in a closed airtight container that is approved for the storage or transportation of asbestos.

Very truly yours,

SOUTHWEST MARINE, INC.



Herbert G. Engel
Executive Vice President
and General Manager

HGE:AS:df
Enclosures

cc: President
Vice President & General Mgr.
Counsel
HAZWASTE
Production Manager
Engineering
Lagging
Dan Avera